

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION
IN ADMIRALTY

FREEDOM BOAT CLUB, LLC,
as owner, for exoneration from or limitation
of liability, of a 2019 Scout 210 Dorado
Vessel, Hull ID No. SLPGS494E819

Petitioner,

v.

Case No. 2:21-cv-95-SPC-NPM

**ORDER APPROVING PETITIONER'S LETTER OF UNDERTAKING
AND DIRECTING ISSUANCE OF NOTICE AND INJUNCTION**

THIS CAUSE came before the Court upon Petitioner's Complaint and Petitioner's Motion to Approve Letter of Undertaking and Enter Monition and Injunction. Petitioner filed its Complaint for Exoneration from or Limitation of Liability regarding a 2019 Scout 210 Dorado Vessel, bearing Hull Identification No. SLPGS494E819, pursuant to 46 U.S.C. § 30505, *et seq.* and Supplemental Rule F, for injuries to a passenger allegedly caused by or resulting from an incident occurring on or about August 7, 2020, on the navigable waters of the United States near Bonita Springs, Florida.

The Complaint states the value of Petitioner's interest in the Vessel does not exceed \$34,960.00 and there was no pending freight. Petitioner has deposited with the Court a Letter of Undertaking by Federal Insurance Company, as surety, as

security for the benefit of claimants in the amount of \$34,960.00, with interest at 6 percent per annum from August 7, 2020, and costs, as required by the rules of this Court and by the law.

Accordingly, it is **ORDERED**:

1. Petitioner's Motion to Approve Letter of Undertaking and Enter Monition and Injunction (Doc. 3) is **GRANTED**.

2. The Letter of Undertaking deposited by Petitioner with the Court for the benefit of claimants, in the sum of \$34,960.00, with interest and costs, as security for the amount or value of Petitioner's interest in the Vessel is hereby approved.

3. This Court, upon motion, shall cause due appraisalment of such value and may thereupon order the said security increased or reduced to carry out the provisions of 46 U.S.C. § 30501 *et seq.* for personal injuries, property damage, or any other claims resulting from the incident that occurred on August 7, 2020, referred to in the Petition.

4. A notice shall be issued by the Clerk of the Court to all persons asserting claims with respect to which the Complaint seeks exoneration or limitation, admonishing them to file their respective claims with the Clerk of the Court in writing, and to serve on the attorneys for the Petitioners a copy thereof **on or before April 15, 2021** (not less than 30 days after notice), or be defaulted, and if any claimant desires to contest either the Petitioner's right to exoneration from or the right to limitation of liability, any such claimant(s) shall file and serve on

Petitioner's attorney an answer to the Complaint, on or before said date, unless his claim has included an answer to the Complaint, so designated, or be defaulted.

5. Publication of the aforesaid notice in the form required by Supplemental Rule F(4) be published in a newspaper of general circulation in the Lee County area once a week for four (4) successive weeks prior to the date fixed for the filing of claims, and copies of the notice shall also be mailed in accordance with Supplemental Rule F.

6. The commencement or further prosecution of any and all actions or proceedings against Petitioner, the Vessel, or other property of Petitioner with respect to any claims for which Petitioner seeks exoneration from or limitation of liability herein, including any claim arising out of, or incident to, or connected with any loss, damage, injury, death or destruction, more fully described in the Petition, be and they are hereby restrained, stayed and enjoined until the hearing and determination of this action.

7. Service of this Order as a restraining order may be made through the Post Office by mailing a conformed copy thereof to the person or persons to be restrained, or to their respective attorneys, or alternatively, by hand delivery.

DONE AND ORDERED in Fort Myers, Florida on February 18, 2021.



NICHOLAS P. MIZELL
UNITED STATES MAGISTRATE JUDGE